

JOHN L. MESSINGER

IBLA 80-35

Decided January 17, 1980

Appeal from decision of the Montana State Office, Bureau of Land Management, rejecting oil and gas lease offer M 44522 (SD).

Affirmed.

1. Oil and Gas Leases: Applications: Generally -- Oil and Gas Leases:
Applications: Drawings

A drawing entry card which is not dated in the space provided on the card is not fully executed as required by 43 CFR 3112.2-1, and is properly rejected.

APPEARANCES: John L. Messinger, pro se.

OPINION BY ADMINISTRATIVE JUDGE STUEBING

The simultaneous noncompetitive drawing entry card oil and gas lease offer of John L. Messinger was drawn with first priority in the August 1979 drawing for parcel MT 1046 in the Montana State Office, Bureau of Land Management (BLM). On September 19, 1979, BLM issued a decision rejecting this offer, designated as M 44522 (SD), because Messinger's drawing entry card was not dated as required by 43 CFR 3112.2-1(a).

[1] Under 43 CFR 3112.2-1(a), a card must be "fully executed" or it will be rejected. It is established that a card which is not dated is not fully executed and is therefore properly rejected. Sorenson v. Andrus, 456 F. Supp. 499 (D. Wyo. 1978); Harley W. Adams, 43 IBLA 144 (1979); Donald Miller, 43 IBLA 4 (1979); and cases cited. The date is important because it shows that the offeror certifies the accuracy of all statements on the card as of the specified date. There is no certification if no date is placed on the card. Thomas C. Moran, 32 IBLA 168 (1977).

Appellant does not dispute this rule, but argues that it is logical to infer the date of signing from the dates on other cards submitted at the same time. It is also established that the date of signing may not be inferred from other information submitted contemporaneously with the card, such as the postmark on the envelope or the date of the check for the filing fee. Donald Miller, 40 IBLA 193 (1979).

Therefore, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the decision appealed from is affirmed.

Edward W. Stuebing
Administrative Judge

We concur:

Frederick Fishman
Administrative Judge

Newton Frishberg
Chief Administrative Judge

